

REMARKS

The Examiner is thanked for the careful examination of the application.

Claim Amendments

The claims have been amended to ensure consistent usage of "strip part" in, for example, claim 1 and "strip" in, for example, claim 2. The scope of the claims has not been altered and no new matter has been added.

§ 102(e) - Cammarota

Claims 1, 2, 5-11 and 19-25 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cammarota (USPN 6,307,119).

The Office asserts that Cammarota anticipates the presently claimed invention, as recited in independent claims 1 and 2. Each of claims 1 and 2 relate to a strip (or "strip part" - the term strip will be used hereinafter to refer to both "strip" and to "strip part") and a wetness indicator. Additionally, each of claims 1 and 2 relate to the aspect that the location of the wetness indicator is facilitated by the strip having a color and wherein that color is different than the color of the remaining part of the backsheet. It is clear to one skilled in the art, reading the claims and specification, how this language should be interpreted.

A wetness indicator can be arranged at any location on an absorbent article, for example, along the side of the absorption body or on the underside thereof. Accordingly, a person, such as a nurse, can have significant difficulty locating the wetness indicator to determine if the absorbent article is wet and in need of changing. For example, if the wetness indicator is an "appearing" type, such that the indicator only becomes visible when exposed to urine, a nurse will have no idea where to look for a wetness indicator that has not yet "appeared." Yet, the claimed combination of the present invention overcomes this problem. The presently claimed invention explicitly provides that the location of the wetness indicator is facilitated by the strip part.

In the current Official Action, the Office relies on Cammarota to allegedly teach the presently claimed invention. The Office asserts that Cammarota has a backsheet 40 that has "a strip part 30 and a remaining part 34, as shown in figure 1." Reference number 30 actually refers to the outer surface of the training pant 20.

However, applicants understand the Official Action to be referring to the shaded portion below as the claimed "strip:"

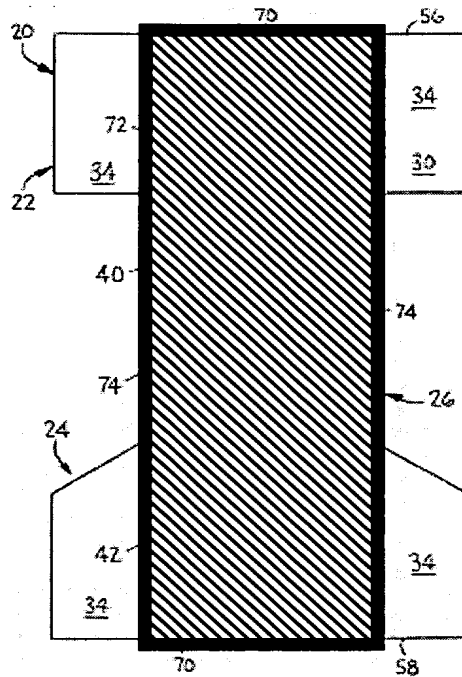


FIG. 2

Applicants respectfully assert that the asserted strip of Cammarota cannot reasonably correspond to the presently claimed strip. The claimed strip facilitates finding the location of the wetness indicator. The asserted strip of Cammarota does not facilitate finding the location of the wetness indicator. The asserted strip of Cammarota is essentially the entire absorbent product, and is the entire area of the absorbent body. It is unreasonable to suggest that one skilled in the art would think that the entire area of the absorbent body facilitates the location of a wetness indicator.

Applicants respectfully assert that the Office is taking an overly broad view of the claims. The Office is limited to interpreting the claims as broadly as their terms **reasonably** allow. *In re American Academy of Science Tech Center*, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). Moreover, the Office is reminded that the claims do not stand alone but, rather, are part of a fully integrated written instrument consisting principally of a specification that concludes with the claims and, thus, **must be read in view of the specification**, of which they are part. *Philips v. AWH Corp.*, 75 USPQ2d 1321, 1327 (Fed. Cir. 2005).

A review of the specification elucidates that a wetness indicator can be arranged at any location on an absorbent article, for example, along the side of the absorption body or on the underside thereof. Accordingly, a person, such as a nurse, can have significant difficulty locating the wetness indicator to determine if the absorption body is wet and in need of changing. For example, if the wetness indicator is an "appearing" type, such that the indicator only becomes visible when exposed to urine, a nurse will have no idea where to look for a wetness indicator that has not yet "appeared." Thus, it is clear from the specification, that for the strip part to facilitate the location of the strip, the strip part must be something much smaller or more specifically identifying than the entire area of the absorbent body. Having the strip be the entire area of the absorbent body entirely defeats the purpose of facilitating the location of a wetness indicator.

The presently claimed invention facilitates finding the location of the wetness indicator is facilitated by the strip part. It is **unreasonable** to suggest that the asserted strip of Cammarota facilitates finding the location of the wetness indicator. The asserted strip of Cammarota is essentially the entire absorbent product, and the entire area of the absorbent body. It is **unreasonable** to suggest that one skilled in the art would think that the entire area of the absorbent body facilitates the location of a wetness indicator.

Accordingly, Cammarota does not teach or suggest the presently claimed combination which includes a strip, such that the location of the wetness indicator is facilitated by the strip.

Further, each of claims 1 and 2 relate to the aspect that the color of the strip is an indicia that provides an indication of a product type, size, or absorption capacity of the article. To be clear, it is not just that there is an indicia, but that the color is the indicia. The Office has asserted that "The presence of the colored graphics located on the strip part 30 indicated that the diaper is a wetness-indicating diaper, and therefore the color of the strip part 30 is an indicia of the product type." However, there is no indication in Cammarota that the color of the graphics would have any indicia function of the type of article. That is, it is simply the presence of the graphics that the Office is asserting indicate the Cammarota diaper is a wetness indicating diaper. But, the graphics do not have a specific color that indicates the type of

article. Accordingly, Cammarota does not teach or suggest that the color of the strip is an indicia that provides an indication of a product type, size, or absorption capacity of the article.

Accordingly, claims 1, 2, 5-11 and 19-25 should now be in condition for allowance.

§ 102(e) - Cammarota

Claims 44 and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cammarota (USPN 6,307,119) in view of Miller (USPN 5,839,585).

Each of claims 44 and 45 recite an assortment of products comprising a plurality of absorbent articles of **at least two different** types, sizes, or absorption capacities of the articles wherein each absorbent article comprises, inter alia, a strip part wherein different colors of the strip are an indicia that provides an indication of the difference in the product type, size, or absorption capacity of the article.

The Office is asserting that two different sizes of the Cammarota diaper are packaged together (as allegedly taught by Miller). However, packing two different sizes of the Cammarota diaper does not result in the presently claimed invention. That is, the coloring of the alleged indication in the Cammarota diaper will be the same throughout the "assortment of products." There is no indication of the difference between the **at least two different** types, sizes or absorption capacities of the articles.

Accordingly, claims 44 and 45 are patentable over the cited art. Entry and allowance of the claims is respectfully requested.

Conclusion

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: April 2, 2008

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